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Lucia A Keegan 03/01/2007 12:43:44 PM From DB/Inbox: Lucia A Keegan

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UNCLAS SENSITIVE PARIS 00779

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cxparis:  
ACTION: UNESCO  
INFO: POL ECON AMBU AMB AMBO DCM SCI

DISSEMINATION: UNESCOX  
CHARGE: PROG

APPROVED: AMB:LVLIVER  
DRAFTED: POL:DROSTROFF  
CLEARED: NONE

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FM AMEMBASSY PARIS  
TO RUEHC/SECSTATE WASHDC 5230  
RUEHTV/AMEMBASSY TEL AVIV 0610

UNCLAS SECTION 01 OF 03 PARIS 000779

SIPDIS

FROM USMISSION UNESCO PARIS

SENSITIVE

E.O. 12958: N/A  
TAGS: [UNESCO](#) [SCUL](#) [IS](#)  
SUBJECT: JERUSALEM ISSUE

¶1. (SBU) Summary: The excavation work at the Temple Mount site in Jerusalem has prompted calls at UNESCO by six Arab states for a rare special session of the Executive Board. Based on the its interpretation of a resolution negotiated between the Palestinian observer and the Israeli Ambassador in the 2006 Vilnius World Heritage Committee meeting that calls for Israel to provide the World Heritage Center with all relevant information on plans for reconstruction of the access leading to the al-Haram ash-Sharif, Israel has created a new opportunity for those member states seeking to spread anti-Israeli headlines in the world press. While progress has been made with efforts to defuse the situation, it is still too early to determine how the current crisis will play out.

¶2. (SBU) BACKGROUND: The first extraordinary meeting of the World Heritage Committee was held in Paris in September 1980 at the request of seventeen members of the World Heritage Committee to discuss two issues, one of which was the request by Jordan to inscribe "the Old City of Jerusalem and its walls" on the World Heritage list. Although the United States recognized that the universal and cultural value of Jerusalem was important to all mankind, it opposed the inscription on the grounds that the Committee did not have the authority to inscribe this site because the World Heritage Convention contains articles that state that nominating state can only nominate those sites which are "situated in its territory", that there must be the consent of the state concerned, and that the nominating state provide an effective plan for the management and protection of the site.

¶3. (SBU) When the World Heritage Committee decided to place the Old City of Jerusalem and its wall on the World Heritage List, the United States disassociated itself from the decision and made the following statement: "This Committee has taken an impermissible action and must now abide by the unfortunate consequences. These consequences are the intrusion of an element of politicization to the World Heritage Committee... The introduction of Middle East politics into this Committee cannot but be to the detriment of the

World Heritage Committee and its proud accomplishments to date."

¶4. (SBU) The site of the Old City of Jerusalem and its walls was put on the World Heritage List of Sites in Danger in 1982. Israel did not attend these meetings as it did not become a signatory to the World Heritage Convention until October 1999.

¶5. (SBU) In July, 2006 in Vilnius, a resolution negotiated by the Israeli Ambassador to UNESCO and the Palestinian Observer to UNESCO, Decision 30 COM 7A 34 rev, was adopted by the World Heritage Committee. Article 5 states "Reiterates its concern as to the obstacles and practices, such as archeological excavations or new constructions, which could alter the outstanding universal value of the cultural value of the Old City of Jerusalem, including its urban and social fabric as well as its visual integrity." Article 6 states "Asks the Israeli authorities to provide to the World Heritage Centre all relevant information concerning new buildings planned in and around the Western Wall Plaza, including the plans for the reconstruction of the access leading to the al-Haram ash-Sharif."

#### THE CURRENT CRISIS

¶6. (SBU) The view of the Arab states, led by the Palestinian Observer who now serves as the head of the Arab Group at UNESCO, is that this decision, 30 COM 7A.34 Rev, refers to all work relating to the World Heritage site of the Old City of Jerusalem and its walls, and that the World Heritage Center should have been consulted on all plans for both the proposed bridge and the archeological excavations. Because this was not done before work began on February 6th, they believe that Israel has violated both the Vilnius decision and its obligations as a signatory of the World Heritage Convention to refrain from doing anything that might cause damage to the site.

¶7. (SBU) The Israeli view is that the decision only refers to the plans for the construction of the new access ramp, and not to the archeological excavations, which they say are needed to determine how that ramp should be constructed. The Israeli government also believes that UNESCO is interfering in Israeli internal matters. It understands the need to work with the World Heritage Committee as much as possible, but believes that the appropriate role of the World Heritage Center is to give advice, not to instruct a sovereign state on how to maintain its World Heritage sites.

¶8. (SBU) On February 7 the Israeli Ambassador to the United Nations, Ambassador Dan Gillerman, wrote a letter to the President of the Security Council, Ambassador Peter Burian, stating that the excavations are necessary in order to determine the location of the pillars for the new bridge (ramp) which must be build because of safety reasons, that the excavations are being done in a transparent manner by a team of archeologists and experts using internationally accepted methods, and that they are being done in an area which is under Israeli sovereignty and is the responsibility of the Municipality of Jerusalem and the Government of Israel. The Israeli Ambassador to UNESCO, David Kornbluth, is using the same arguments at UNESCO, and is convinced that the public concerns that have been generated concerning this project are political in nature.

#### SEQUENCE OF EVENTS AT UNESCO

¶9. (SBU) Immediately after the excavations began on February 6th, the Palestinian Observer met with the Arab Group to discuss this matter and to ask the Arab Group to tell the Director-General that he must take appropriate action to make Israel to stop the excavations.

¶10. (SBU) A letter drafted for the Director General by ADG Culture Francoise Riviere to send to Prime Minister Ehud Olmert was rejected by the Israeli Ambassador, David Kornbluth, for being inappropriately inflammatory. He said that there is no language in the World Heritage convention that permits the Director General to severely criticize a state for World Heritage violations, especially when there is no evidence that violations have actually occurred.

¶11. (SBU) A revised letter was sent by the Director General to Prime Minister Olmert requesting assurances that the work being done does not in any way undermine the outstanding universal value of the

site, that Israel fulfill the conditions of the Vilnius decision by providing all relevant information on the work being done to the World Heritage Center, and to "cease any action that could lead to tensions" in Jerusalem. A UNESCO Press Release issued on February 8th stated that the Director General was "alarmed" and "deeply concerned" by the situation

¶12. (SBU) On February 13 the Director General issued a Press Release that congratulated the Mayor of Jerusalem for suspending the work on the ramp. The Arab states were angry with this expression of congratulations as they wanted the work to be stopped, not just suspended.

¶13. (SBU) On February 14 the six Arab members of the Executive Board, Algeria, Bahrain, Egypt, Lebanon, Morocco, and Yemen, sent a letter invoking Rule 3, paragraph 1 and 2 of the Rules of procedure of the Executive Board that states that "The Executive Board may meet in special session if convoked by the Chairman on his own initiative or on the request of six members of the Board." In response to a question by the Mission, the Legal Advisor has interpreted the word "may" as an imperative and that the Chairman must follow through on the request.

¶14. (SBU) The request for a special meeting was supported by many Islamic countries at UNESCO as well as outside organizations such as the Arab League, ALECSO, and the OIC. In addition to active lobbying done by the six Arab members of the Executive Board, intense lobbying was done, particularly by the Egyptians, in many capitals of countries on the Executive Board in order to gain broad-based support for a Special Executive Board meeting.

¶15. (SBU) On February 17 the Ambassador of India to UNESCO, in her capacity as head of the ASPAC Group, sent a letter to the Director-General requesting that a technical mission be sent immediately to Jerusalem by the World Heritage Center.

¶16. (SBU) In response to increasingly angry demands from the Arab and Islamic states for action by UNESCO, the Director-General issued a Press Release on February 20 stating that he was exploring the possibility of sending a technical assessment mission to Jerusalem. (Comment: Although UNESCO wanted to send a technical mission, they had been asked by the Israeli Ambassador to wait until the GOI made a decision on whether it would accept such a mission, which in the past they had refused to do).

¶17. (SBU) Also on February 20 the Chairman of the Executive Board sent a letter to the six members of the Bureau, which includes the U.S., asking them to consider the request made by the Arab states. He did not ask for a response to his letter.

¶18. (SBU) On February 22 the GOI decided to invite a UNESCO technical mission to visit the site in Jerusalem, thereby avoiding the issue of whether UNESCO has the authority to send a technical mission against the wishes of a state in whose territory a site is located. (Comment: In practical terms this would not be possible since a state can deny the necessary visas to the technical mission, but that would probably generate serious international pressure on that state to reverse its decision).

¶19. (SBU) On February 23 the Director-General issued a Press Release stating that "following extensive consultations with all the parties concerned", he would send a technical mission to Jerusalem. The terms of reference for the technical mission agreed to by the Deputy Director General Marcio Barbosa and Ambassador Kornbluth state that the findings of the technical mission will be given to the Director General who will inform the World Heritage Committee accordingly.

#### MISSION RESPONSE

¶20. (SBU) During the past few days Ambassador Oliver has met with the Israeli Ambassador to UNESCO, as well as with the Ambassadors of India, Yemen, Egypt, Greece, Lebanon, Afghanistan, Lithuania, Spain, Germany, the UK, and the deputy from Norway. The Arab states all said that the combination of inaction by the Secretariat, the great importance of the site, and the intense lobbying done in capitals made it almost impossible for them to back down from their demands. For example, the Indian Ambassador said that she had been getting daily cables from Delhi instructing her to show solidarity with

Palestine and the Arab states.

¶21. (SBU) Although they were all pleased by the decision to send a technical mission, they said that there would still have to be a special meeting of the Executive Board since Israel continued to conduct archeological excavations. The Arab states also claimed that they did not want to politicize the issue, and rejected the idea that calling a special Executive Board meeting just before the regular Executive Board meeting would have that effect.

¶22. (SBU) Ambassador Oliver disagreed and said that it would certainly be perceived as a political initiative, particularly since Israel is not even on the Executive Board. She also said that the proper venue for discussion of this issue is the World Heritage Committee, which has responsibility for all issues relating to World Heritage sites. Moreover, Israel is a member of the World Heritage Committee. When Ambassador Oliver suggested that the Arab states call for a special meeting of the World Heritage Committee, the response was that there was not enough time to do that. (Comment: Probably the real reason is that it takes two-thirds of the members of the World Heritage Committee to call for a special session)

¶23. (SBU) The European countries said that almost no one wanted a special Executive Board meeting other than the Arab and Islamic states, and agreed that the World Heritage Committee was the appropriate venue for a discussion of this issue. However, they added that they thought it would be very difficult to prevent a special Executive Board meeting if the Israelis did not suspend the archeological excavations, and that most of their own governments had already publicly called for a suspension of the excavations.

¶24. (SBU) Ambassador Oliver also met with UNESCO's Deputy Director, Marcio Barbosa, who informed her that the UNESCO technical mission had left for Israel that morning, February 27. It is expected to finish its work on Friday March 2.

#### LATEST DEVELOPMENTS

¶25. (SBU) On February 28 the GOI announced that it would suspend the archeological excavations until the UNESCO technical mission had completed its work. Although the Arab and Islamic states may still push for a special Executive Board meeting, it is unlikely that they will be able to persuade other states that a special meeting is necessary since the work has now been suspended. Many states are also concerned about the expense of a special meeting, as well as the precedent of six Executive Board members being able to force UNESCO to convene a special Executive Board meeting.

¶26. (SBU) If the technical mission reports that there is no damage to the site as a result of the excavations, the Arab states will find it difficult to complain when the excavations are resumed. If the technical mission reports that damage has or may occur, the GOI will have to decide what to do.

¶27. (SBU) Even if there is no special meeting, the issue of Jerusalem will be discussed at the regular Executive Board meeting as there already is an item on Jerusalem on the agenda. However, the debate will be influenced by the report of the technical mission and by the cooperative attitude of the GOI.

¶28. (SBU) In a meeting with Ambassador Kornbluth on February 28, Ambassador Oliver was informed that at the moment the archaeological excavations will be suspended only during the time when the technical mission is actually onsite. The Greek Ambassador (Chairman of Group I) also reported that as a result of numerous conversations, momentum for a special meeting seems to be slowing down. In the European Union's coordination meeting all European countries, with the exception of Austria, were against the idea of a special meeting. He added that it remains to be seen what the reaction will be next week when the technical mission returns to Paris.

¶29. (SBU) Mission will continue to work closely with the Israeli Ambassador and will monitor the situation carefully.  
OLIVER